



House of Representatives

General Assembly

File No. 549

January Session, 2009

Substitute House Bill No. 6467

House of Representatives, April 8, 2009

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SMART GROWTH AND PLANS OF CONSERVATION AND DEVELOPMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) As used in sections 8-23,
2 8-35a and 16a-27 of the general statutes, as amended by this act, and
3 section 6 of this act:

4 (1) "Smart growth" means economic, social and environmental
5 development that (A) promotes, through financial and other
6 incentives, economic competitiveness in the state while preserving
7 natural resources, and (B) utilizes a collaborative approach to
8 planning, decision-making and evaluation between and among all
9 levels of government; and

10 (2) "Principles of smart growth" means standards and objectives that
11 support and encourage smart growth when used to guide actions and
12 decisions, including, but not limited to, standards and criteria for (A)

13 integrated planning that coordinates tax, transportation, housing,
14 environmental and economic development policies at the state and
15 local level, (B) the reduction of reliance on the property tax by
16 municipalities by creating efficiencies and coordination of services on
17 the regional level while reducing interlocal competition for grand list
18 growth, (C) the redevelopment of existing infrastructure and
19 resources, including brownfields and historic places, (D)
20 transportation choices that provide alternatives to automobiles,
21 including rail, bikeways and walking, while reducing energy
22 consumption, (E) the development or preservation of workforce or
23 affordable housing for households of varying income in locations
24 proximate to transportation, employment centers or other eligible
25 locations, (F) concentrated, mixed-use development around
26 transportation nodes and civic and cultural centers, and (G) the
27 conservation and protection of natural resources by preserving open
28 space, farmland and historic properties and furthering energy
29 efficiency.

30 Sec. 2. Section 16a-27 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2009*):

32 (a) The secretary, after consultation with all appropriate state,
33 regional and local agencies and other appropriate persons, shall prior
34 to March 1, 2009, complete a revision of the existing plan and enlarge it
35 to include, but not be limited to, policies relating to transportation,
36 energy and air. Any revision made after May 15, 1991, shall identify
37 the major transportation proposals, including proposals for mass
38 transit, contained in the master transportation plan prepared pursuant
39 to section 13b-15. Any revision made after July 1, 1995, shall take into
40 consideration the conservation and development of greenways that
41 have been designated by municipalities and shall recommend that
42 state agencies coordinate their efforts to support the development of a
43 state-wide greenways system. The Commissioner of Environmental
44 Protection shall identify state-owned land for inclusion in the plan as
45 potential components of a state greenways system.

46 (b) Any revision made after August 20, 2003, shall take into account
47 (1) economic and community development needs and patterns of
48 commerce, and (2) linkages of affordable housing objectives and land
49 use objectives with transportation systems.

50 (c) Any revision made after March 1, 2006, shall (1) take into
51 consideration risks associated with natural hazards, including, but not
52 limited to, flooding, high winds and wildfires; (2) identify the potential
53 impacts of natural hazards on infrastructure and property; and (3)
54 make recommendations for the siting of future infrastructure and
55 property development to minimize the use of areas prone to natural
56 hazards, including, but not limited to, flooding, high winds and
57 wildfires.

58 (d) Any revision made after July 1, 2005, shall describe the progress
59 towards achievement of the goals and objectives established in the
60 previously adopted state plan of conservation and development and
61 shall identify (1) areas where it is prudent and feasible (A) to have
62 compact, transit accessible, pedestrian-oriented mixed-use
63 development patterns and land reuse, and (B) to promote such
64 development patterns and land reuse, (2) priority funding areas
65 designated under section 16a-35c, and (3) corridor management areas
66 on either side of a limited access highway or a rail line. In designating
67 corridor management areas, the secretary shall make
68 recommendations that (A) promote land use and transportation
69 options to reduce the growth of traffic congestion; (B) connect
70 infrastructure and other development decisions; (C) promote
71 development that minimizes the cost of new infrastructure facilities
72 and maximizes the use of existing infrastructure facilities; and (D)
73 increase intermunicipal and regional cooperation.

74 (e) Any revision made after October 1, 2008, shall (1) for each policy
75 recommended (A) assign a priority; (B) estimate funding for
76 implementation and identify potential funding sources; (C) identify
77 each entity responsible for implementation; and (D) establish a
78 schedule for implementation; and (2) for each growth management

79 principle, determine three benchmarks to measure progress in
80 implementation of the principles, one of which shall be a financial
81 benchmark.

82 (f) Any revisions made after the effective date of this section shall
83 incorporate the principles of smart growth, as defined in section 1 of
84 this act.

85 ~~[(f)]~~ (g) Thereafter on or before March first in each revision year the
86 secretary shall complete a revision of the plan of conservation and
87 development.

88 Sec. 3. Section 8-23 of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2009*):

90 (a) (1) At least once every ten years, the commission shall prepare or
91 amend and shall adopt a plan of conservation and development for the
92 municipality. Following adoption, the commission shall regularly
93 review and maintain such plan. The commission may adopt such
94 geographical, functional or other amendments to the plan or parts of
95 the plan, in accordance with the provisions of this section, as it deems
96 necessary. The commission may, at any time, prepare, amend and
97 adopt plans for the redevelopment and improvement of districts or
98 neighborhoods which, in its judgment, contain special problems or
99 opportunities or show a trend toward lower land values.

100 (2) If a plan is not amended decennially, the chief elected official of
101 the municipality shall submit a letter to the Secretary of the Office of
102 Policy and Management and the Commissioners of Transportation,
103 Environmental Protection and Economic and Community
104 Development that explains why such plan was not amended. Until the
105 plan is amended in accordance with this subsection, a copy of such
106 letter shall be included in each application by the municipality for
107 funding for the conservation or development of real property
108 submitted to said secretary or commissioners.

109 (b) In the preparation of such plan, the commission may appoint

110 one or more special committees to develop and make
111 recommendations for the plan. The membership of any special
112 committee may include: Residents of the municipality and
113 representatives of local boards dealing with zoning, inland wetlands,
114 conservation, recreation, education, public works, finance,
115 redevelopment, general government and other municipal functions. In
116 performing its duties under this section, the commission or any special
117 committee may accept information from any source or solicit input
118 from any organization or individual. The commission or any special
119 committee may hold public informational meetings or organize other
120 activities to inform residents about the process of preparing the plan.

121 (c) In preparing such plan, the commission or any special committee
122 shall consider the following: (1) The community development action
123 plan of the municipality, if any, (2) the need for affordable housing, (3)
124 the need for protection of existing and potential public surface and
125 ground drinking water supplies, (4) the use of cluster development
126 and other development patterns to the extent consistent with soil
127 types, terrain and infrastructure capacity within the municipality, (5)
128 the state plan of conservation and development adopted pursuant to
129 chapter 297, (6) the regional plan of conservation and development
130 adopted pursuant to section 8-35a, as amended by this act, (7) physical,
131 social, economic and governmental conditions and trends, (8) the
132 needs of the municipality including, but not limited to, human
133 resources, education, health, housing, recreation, social services, public
134 utilities, public protection, transportation and circulation and cultural
135 and interpersonal communications, (9) the objectives of energy-
136 efficient patterns of development, the use of solar and other renewable
137 forms of energy and energy conservation, and (10) protection and
138 preservation of agriculture.

139 (d) (1) Such plan of conservation and development shall (A)
140 incorporate principles of smart growth that are consistent with the
141 principles of smart growth incorporated in the state plan of
142 conservation and development adopted under chapter 297 on and after
143 October 1, 2009, (B) be a statement of policies, goals and standards for

144 the physical and economic development of the municipality, [(B)] (C)
145 provide for a system of principal thoroughfares, parkways, bridges,
146 streets, sidewalks, multipurpose trails and other public ways as
147 appropriate, [(C)] (D) be designed to promote, with the greatest
148 efficiency and economy, the coordinated development of the
149 municipality and the general welfare and prosperity of its people and
150 identify areas where it is feasible and prudent (i) to have compact,
151 transit accessible, pedestrian-oriented mixed use development patterns
152 and land reuse, and (ii) to promote such development patterns and
153 land reuse, [(D)] (E) recommend the most desirable use of land within
154 the municipality for residential, recreational, commercial, industrial,
155 conservation and other purposes and include a map showing such
156 proposed land uses, [(E)] (F) recommend the most desirable density of
157 population in the several parts of the municipality, [(F)] (G) note any
158 inconsistencies with the following growth management principles: (i)
159 Redevelopment and revitalization of commercial centers and areas of
160 mixed land uses with existing or planned physical infrastructure; (ii)
161 expansion of housing opportunities and design choices to
162 accommodate a variety of household types and needs; (iii)
163 concentration of development around transportation nodes and along
164 major transportation corridors to support the viability of
165 transportation options and land reuse; (iv) conservation and
166 restoration of the natural environment, cultural and historical
167 resources and existing farmlands; (v) protection of environmental
168 assets critical to public health and safety; and (vi) integration of
169 planning across all levels of government to address issues on a local,
170 regional and state-wide basis, [(G)] (H) make provision for the
171 development of housing opportunities, including opportunities for
172 multifamily dwellings, consistent with soil types, terrain and
173 infrastructure capacity, for all residents of the municipality and the
174 planning region in which the municipality is located, as designated by
175 the Secretary of the Office of Policy and Management under section
176 16a-4a, [(H)] and (I) promote housing choice and economic diversity in
177 housing, including housing for both low and moderate income
178 households, and encourage the development of housing which will

179 meet the housing needs identified in the housing plan prepared
180 pursuant to section 8-37t and in the housing component and the other
181 components of the state plan of conservation and development
182 prepared pursuant to chapter 297. In preparing such plan the
183 commission shall consider focusing development and revitalization in
184 areas with existing or planned physical infrastructure.

185 (2) For any municipality that is contiguous to Long Island Sound,
186 such plan shall be (A) consistent with the municipal coastal program
187 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
188 reasonable consideration for restoration and protection of the
189 ecosystem and habitat of Long Island Sound, and (C) designed to
190 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
191 Long Island Sound.

192 (e) Such plan may show the commission's and any special
193 committee's recommendation for (1) conservation and preservation of
194 traprock and other ridgelines, (2) airports, parks, playgrounds and
195 other public grounds, (3) the general location, relocation and
196 improvement of schools and other public buildings, (4) the general
197 location and extent of public utilities and terminals, whether publicly
198 or privately owned, for water, sewerage, light, power, transit and other
199 purposes, (5) the extent and location of public housing projects, (6)
200 programs for the implementation of the plan, including (A) a schedule,
201 (B) a budget for public capital projects, (C) a program for enactment
202 and enforcement of zoning and subdivision controls, building and
203 housing codes and safety regulations, (D) plans for implementation of
204 affordable housing, (E) plans for open space acquisition and
205 greenways protection and development, and (F) plans for corridor
206 management areas along limited access highways or rail lines,
207 designated under section 16a-27, as amended by this act, (7) proposed
208 priority funding areas, and (8) any other recommendations as will, in
209 the commission's or any special committee's judgment, be beneficial to
210 the municipality. The plan may include any necessary and related
211 maps, explanatory material, photographs, charts or other pertinent
212 data and information relative to the past, present and future trends of

213 the municipality.

214 (f) (1) A plan of conservation and development or any part thereof
215 or amendment thereto prepared by the commission or any special
216 committee shall be reviewed, and may be amended, by the
217 commission prior to scheduling at least one public hearing on
218 adoption.

219 (2) At least sixty-five days prior to the public hearing on adoption,
220 the commission shall submit a copy of such plan or part thereof or
221 amendment thereto for review and comment to the legislative body or,
222 in the case of a municipality for which the legislative body of the
223 municipality is a town meeting or representative town meeting, to the
224 board of selectmen. The legislative body or board of selectmen, as the
225 case may be, may hold one or more public hearings on the plan and
226 shall endorse or reject such entire plan or part thereof or amendment
227 and may submit comments and recommended changes to the
228 commission. The commission may render a decision on the plan
229 without the report of such body or board.

230 (3) At least thirty-five days prior to the public hearing on adoption,
231 the commission shall post the plan on the Internet web site of the
232 municipality, if any.

233 (4) At least sixty-five days prior to the public hearing on adoption,
234 the commission shall submit a copy of such plan or part thereof or
235 amendment thereto to the regional planning agency for review and
236 comment. The regional planning agency shall submit an advisory
237 report along with its comments to the commission at or before the
238 hearing. Such comments shall include a finding on the consistency of
239 the plan with (A) the regional plan of conservation and development,
240 adopted under section 8-35a, as amended by this act, (B) the state plan
241 of conservation and development, adopted pursuant to chapter 297,
242 and (C) the plans of conservation and development of other
243 municipalities in the area of operation of the regional planning agency.
244 The commission may render a decision on the plan without the report
245 of the regional planning agency.

246 (5) At least thirty-five days prior to the public hearing on adoption,
247 the commission shall file in the office of the town clerk a copy of such
248 plan or part thereof or amendment thereto but, in the case of a district
249 commission, such commission shall file such information in the offices
250 of both the district clerk and the town clerk.

251 (6) The commission shall cause to be published in a newspaper
252 having a general circulation in the municipality, at least twice at
253 intervals of not less than two days, the first not more than fifteen days,
254 or less than ten days, and the last not less than two days prior to the
255 date of each such hearing, notice of the time and place of any such
256 public hearing. Such notice shall make reference to the filing of such
257 draft plan in the office of the town clerk, or both the district clerk and
258 the town clerk, as the case may be.

259 (g) (1) After completion of the public hearing, the commission may
260 revise the plan and may adopt the plan or any part thereof or
261 amendment thereto by a single resolution or may, by successive
262 resolutions, adopt parts of the plan and amendments thereto.

263 (2) Any plan, section of a plan or recommendation in the plan that is
264 not endorsed in the report of the legislative body or, in the case of a
265 municipality for which the legislative body is a town meeting or
266 representative town meeting, by the board of selectmen, of the
267 municipality may only be adopted by the commission by a vote of not
268 less than two-thirds of all the members of the commission.

269 (3) Upon adoption by the commission, any plan or part thereof or
270 amendment thereto shall become effective at a time established by the
271 commission, provided notice thereof shall be published in a
272 newspaper having a general circulation in the municipality prior to
273 such effective date.

274 (4) Not more than thirty days after adoption, any plan or part
275 thereof or amendment thereto shall be posted on the Internet web site
276 of the municipality, if any, and shall be filed in the office of the town
277 clerk, except that, if it is a district plan or amendment, it shall be filed

278 in the offices of both the district and town clerks.

279 (5) Not more than sixty days after adoption of the plan, the
280 commission shall submit a copy of the plan to the Secretary of the
281 Office of Policy and Management and shall include with such copy a
282 description of any inconsistency between the plan adopted by the
283 commission and the state plan of conservation and development and
284 the reasons therefor.

285 (h) Any owner or tenant, or authorized agent of such owner or
286 tenant, of real property or buildings thereon located in the
287 municipality may submit a proposal to the commission requesting a
288 change to the plan of conservation and development. Such proposal
289 shall be submitted in writing and on a form prescribed by the
290 commission. Notwithstanding the provisions of subsection (a) of
291 section 8-7d, the commission shall review and may approve, modify
292 and approve or reject the proposal in accordance with the provisions of
293 subsection (f) of this section.

294 Sec. 4. Section 8-23 of the general statutes, as amended by section 3
295 of public act 07-239, section 4 of public act 07-5 of the June special
296 session and section 17 of public act 08-182, is repealed and the
297 following is substituted in lieu thereof (*Effective July 1, 2010*):

298 (a) (1) At least once every ten years, the commission shall prepare or
299 amend and shall adopt a plan of conservation and development for the
300 municipality. Following adoption, the commission shall regularly
301 review and maintain such plan. The commission may adopt such
302 geographical, functional or other amendments to the plan or parts of
303 the plan, in accordance with the provisions of this section, as it deems
304 necessary. The commission may, at any time, prepare, amend and
305 adopt plans for the redevelopment and improvement of districts or
306 neighborhoods which, in its judgment, contain special problems or
307 opportunities or show a trend toward lower land values.

308 (2) If a plan is not amended decennially, the chief elected official of
309 the municipality shall submit a letter to the Secretary of the Office of

310 Policy and Management and the Commissioners of Transportation,
311 Environmental Protection and Economic and Community
312 Development that explains why such plan was not amended. A copy
313 of such letter shall be included in each application by the municipality
314 for discretionary state funding submitted to any state agency.

315 (b) Until the plan is amended in accordance with this subsection the
316 municipality shall be ineligible for discretionary state funding unless
317 such prohibition is expressly waived by the secretary.

318 (c) In the preparation of such plan, the commission may appoint one
319 or more special committees to develop and make recommendations for
320 the plan. The membership of any special committee may include:
321 Residents of the municipality and representatives of local boards
322 dealing with zoning, inland wetlands, conservation, recreation,
323 education, public works, finance, redevelopment, general government
324 and other municipal functions. In performing its duties under this
325 section, the commission or any special committee may accept
326 information from any source or solicit input from any organization or
327 individual. The commission or any special committee may hold public
328 informational meetings or organize other activities to inform residents
329 about the process of preparing the plan.

330 (d) In preparing such plan, the commission or any special
331 committee shall consider the following: (1) The community
332 development action plan of the municipality, if any, (2) the need for
333 affordable housing, (3) the need for protection of existing and potential
334 public surface and ground drinking water supplies, (4) the use of
335 cluster development and other development patterns to the extent
336 consistent with soil types, terrain and infrastructure capacity within
337 the municipality, (5) the state plan of conservation and development
338 adopted pursuant to chapter 297, (6) the regional plan of conservation
339 and development adopted pursuant to section 8-35a, as amended by
340 this act, (7) physical, social, economic and governmental conditions
341 and trends, (8) the needs of the municipality including, but not limited
342 to, human resources, education, health, housing, recreation, social

343 services, public utilities, public protection, transportation and
344 circulation and cultural and interpersonal communications, (9) the
345 objectives of energy-efficient patterns of development, the use of solar
346 and other renewable forms of energy and energy conservation, and
347 (10) protection and preservation of agriculture.

348 (e) (1) Such plan of conservation and development shall (A)
349 incorporate principles of smart growth that are consistent with the
350 principles of smart growth that are incorporated in the state plan of
351 conservation and development adopted under chapter 297 on and after
352 October 1, 2009, (B) be a statement of policies, goals and standards for
353 the physical and economic development of the municipality, [(B)] (C)
354 provide for a system of principal thoroughfares, parkways, bridges,
355 streets, sidewalks, multipurpose trails and other public ways as
356 appropriate, [(C)] (D) be designed to promote, with the greatest
357 efficiency and economy, the coordinated development of the
358 municipality and the general welfare and prosperity of its people and
359 identify areas where it is feasible and prudent (i) to have compact,
360 transit accessible, pedestrian-oriented mixed use development patterns
361 and land reuse, and (ii) to promote such development patterns and
362 land reuse, [(D)] (E) recommend the most desirable use of land within
363 the municipality for residential, recreational, commercial, industrial,
364 conservation and other purposes and include a map showing such
365 proposed land uses, [(E)] (F) recommend the most desirable density of
366 population in the several parts of the municipality, [(F)] (G) note any
367 inconsistencies with the following growth management principles: (i)
368 Redevelopment and revitalization of commercial centers and areas of
369 mixed land uses with existing or planned physical infrastructure; (ii)
370 expansion of housing opportunities and design choices to
371 accommodate a variety of household types and needs; (iii)
372 concentration of development around transportation nodes and along
373 major transportation corridors to support the viability of
374 transportation options and land reuse; (iv) conservation and
375 restoration of the natural environment, cultural and historical
376 resources and existing farmlands; (v) protection of environmental
377 assets critical to public health and safety; and (vi) integration of

378 planning across all levels of government to address issues on a local,
379 regional and state-wide basis, [(G)] (H) make provision for the
380 development of housing opportunities, including opportunities for
381 multifamily dwellings, consistent with soil types, terrain and
382 infrastructure capacity, for all residents of the municipality and the
383 planning region in which the municipality is located, as designated by
384 the Secretary of the Office of Policy and Management under section
385 16a-4a, [(H)] and (I) promote housing choice and economic diversity in
386 housing, including housing for both low and moderate income
387 households, and encourage the development of housing which will
388 meet the housing needs identified in the housing plan prepared
389 pursuant to section 8-37t and in the housing component and the other
390 components of the state plan of conservation and development
391 prepared pursuant to chapter 297. In preparing such plan the
392 commission shall consider focusing development and revitalization in
393 areas with existing or planned physical infrastructure.

394 (2) For any municipality that is contiguous to Long Island Sound,
395 such plan shall be (A) consistent with the municipal coastal program
396 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
397 reasonable consideration for restoration and protection of the
398 ecosystem and habitat of Long Island Sound, and (C) designed to
399 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
400 Long Island Sound.

401 (f) Such plan may show the commission's and any special
402 committee's recommendation for (1) conservation and preservation of
403 traprock and other ridgelines, (2) airports, parks, playgrounds and
404 other public grounds, (3) the general location, relocation and
405 improvement of schools and other public buildings, (4) the general
406 location and extent of public utilities and terminals, whether publicly
407 or privately owned, for water, sewerage, light, power, transit and other
408 purposes, (5) the extent and location of public housing projects, (6)
409 programs for the implementation of the plan, including (A) a schedule,
410 (B) a budget for public capital projects, (C) a program for enactment
411 and enforcement of zoning and subdivision controls, building and

412 housing codes and safety regulations, (D) plans for implementation of
413 affordable housing, (E) plans for open space acquisition and
414 greenways protection and development, and (F) plans for corridor
415 management areas along limited access highways or rail lines,
416 designated under section 16a-27, as amended by this act, (7) proposed
417 priority funding areas, and (8) any other recommendations as will, in
418 the commission's or any special committee's judgment, be beneficial to
419 the municipality. The plan may include any necessary and related
420 maps, explanatory material, photographs, charts or other pertinent
421 data and information relative to the past, present and future trends of
422 the municipality.

423 (g) (1) A plan of conservation and development or any part thereof
424 or amendment thereto prepared by the commission or any special
425 committee shall be reviewed, and may be amended, by the
426 commission prior to scheduling at least one public hearing on
427 adoption.

428 (2) At least sixty-five days prior to the public hearing on adoption,
429 the commission shall submit a copy of such plan or part thereof or
430 amendment thereto for review and comment to the legislative body or,
431 in the case of a municipality for which the legislative body of the
432 municipality is a town meeting or representative town meeting, to the
433 board of selectmen. The legislative body or board of selectmen, as the
434 case may be, may hold one or more public hearings on the plan and
435 shall endorse or reject such entire plan or part thereof or amendment
436 and may submit comments and recommended changes to the
437 commission. The commission may render a decision on the plan
438 without the report of such body or board.

439 (3) At least thirty-five days prior to the public hearing on adoption,
440 the commission shall post the plan on the Internet web site of the
441 municipality, if any.

442 (4) At least sixty-five days prior to the public hearing on adoption,
443 the commission shall submit a copy of such plan or part thereof or
444 amendment thereto to the regional planning agency for review and

comment. The regional planning agency shall submit an advisory report along with its comments to the commission at or before the hearing. Such comments shall include a finding on the consistency of the plan with (A) the regional plan of conservation and development, adopted under section 8-35a, as amended by this act, (B) the state plan of conservation and development, adopted pursuant to chapter 297, and (C) the plans of conservation and development of other municipalities in the area of operation of the regional planning agency. The commission may render a decision on the plan without the report of the regional planning agency.

(5) At least thirty-five days prior to the public hearing on adoption, the commission shall file in the office of the town clerk a copy of such plan or part thereof or amendment thereto but, in the case of a district commission, such commission shall file such information in the offices of both the district clerk and the town clerk.

(6) The commission shall cause to be published in a newspaper having a general circulation in the municipality, at least twice at intervals of not less than two days, the first not more than fifteen days, or less than ten days, and the last not less than two days prior to the date of each such hearing, notice of the time and place of any such public hearing. Such notice shall make reference to the filing of such draft plan in the office of the town clerk, or both the district clerk and the town clerk, as the case may be.

(h) (1) After completion of the public hearing, the commission may revise the plan and may adopt the plan or any part thereof or amendment thereto by a single resolution or may, by successive resolutions, adopt parts of the plan and amendments thereto.

(2) Any plan, section of a plan or recommendation in the plan that is not endorsed in the report of the legislative body or, in the case of a municipality for which the legislative body is a town meeting or representative town meeting, by the board of selectmen, of the municipality may only be adopted by the commission by a vote of not less than two-thirds of all the members of the commission.

478 (3) Upon adoption by the commission, any plan or part thereof or
479 amendment thereto shall become effective at a time established by the
480 commission, provided notice thereof shall be published in a
481 newspaper having a general circulation in the municipality prior to
482 such effective date.

483 (4) Not more than thirty days after adoption, any plan or part
484 thereof or amendment thereto shall be posted on the Internet web site
485 of the municipality, if any, and shall be filed in the office of the town
486 clerk, except that, if it is a district plan or amendment, it shall be filed
487 in the offices of both the district and town clerks.

488 (5) Not more than sixty days after adoption of the plan, the
489 commission shall submit a copy of the plan to the Secretary of the
490 Office of Policy and Management and shall include with such copy a
491 description of any inconsistency between the plan adopted by the
492 commission and the state plan of conservation and development and
493 the reasons therefor.

494 (i) Any owner or tenant, or authorized agent of such owner or
495 tenant, of real property or buildings thereon located in the
496 municipality may submit a proposal to the commission requesting a
497 change to the plan of conservation and development. Such proposal
498 shall be submitted in writing and on a form prescribed by the
499 commission. Notwithstanding the provisions of subsection (a) of
500 section 8-7d, the commission shall review and may approve, modify
501 and approve or reject the proposal in accordance with the provisions of
502 subsection (g) of this section.

503 Sec. 5. Section 8-35a of the general statutes is repealed and the
504 following is substituted in lieu thereof (*Effective October 1, 2009*):

505 (a) At least once every ten years, each regional planning agency
506 shall make a plan of conservation and development for its area of
507 operation [, showing its] that shall incorporate principles of smart
508 growth that are consistent with the principles of smart growth that are
509 incorporated in the state plan of conservation and development

510 adopted under chapter 297 after October 1, 2009. The plan shall also
511 make recommendations for the general use of the area including land
512 use, housing, principal highways and freeways, bridges, airports,
513 parks, playgrounds, recreational areas, schools, public institutions,
514 public utilities, agriculture and such other matters as, in the opinion of
515 the agency, will be beneficial to the area. Any regional plan so
516 developed shall be based on studies of physical, social, economic and
517 governmental conditions and trends and shall be designed to promote
518 with the greatest efficiency and economy the coordinated development
519 of its area of operation and the general welfare and prosperity of its
520 people. Such plan may encourage energy-efficient patterns of
521 development, the use of solar and other renewable forms of energy,
522 and energy conservation. Such plan shall be designed to promote
523 abatement of the pollution of the waters and air of the region. The
524 regional plan shall identify areas where it is feasible and prudent (1) to
525 have compact, transit accessible, pedestrian-oriented mixed use
526 development patterns and land reuse, and (2) to promote such
527 development patterns and land reuse and shall note any
528 inconsistencies with the following growth management principles: (A)
529 Redevelopment and revitalization of regional centers and areas of
530 mixed land uses with existing or planned physical infrastructure; (B)
531 expansion of housing opportunities and design choices to
532 accommodate a variety of household types and needs; (C)
533 concentration of development around transportation nodes and along
534 major transportation corridors to support the viability of
535 transportation options and land reuse; (D) conservation and
536 restoration of the natural environment, cultural and historical
537 resources and traditional rural lands; (E) protection of environmental
538 assets critical to public health and safety; and (F) integration of
539 planning across all levels of government to address issues on a local,
540 regional and state-wide basis. The plan of each region contiguous to
541 Long Island Sound shall be designed to reduce hypoxia, pathogens,
542 toxic contaminants and floatable debris in Long Island Sound.

543 (b) Before adopting the regional plan of conservation and
544 development or any part thereof or amendment thereto the agency

545 shall hold at least one public hearing thereon, notice of the time, place
546 and subject of which shall be given in writing to the chief executive
547 officer and planning commission, where one exists, of each member
548 town, city or borough. Notice of the time, place and subject of such
549 hearing shall be published once in a newspaper having a substantial
550 circulation in the region. Such notices shall be given not more than
551 twenty days or less than ten days before such hearing. At least sixty-
552 five days before the public hearing the regional planning agency shall
553 post the plan on the Internet web site of the agency, if any, and submit
554 the plan to the Secretary of the Office of Policy and Management for
555 findings in the form of comments and recommendations. By October 1,
556 2011, the secretary shall establish, by regulations adopted in
557 accordance with the provisions of chapter 54, criteria for such findings
558 which shall include procedures for a uniform review of regional plans
559 of conservation and development to determine if a proposed regional
560 plan of conservation and development is not inconsistent with the
561 state plan of conservation and development and the state economic
562 strategic plan. The regional planning agency shall note on the record
563 any inconsistency with the state plan of conservation and development
564 and the reasons for such inconsistency. Adoption of the plan or part
565 thereof or amendment thereto shall be made by the affirmative vote of
566 not less than a majority of the representatives on the agency. The plan
567 shall be posted on the Internet web site of the agency, if any, and a
568 copy of the plan or of any amendments thereto, signed by the
569 chairman of the agency, shall be transmitted to the chief executive
570 officers, the town, city or borough clerks, as the case may be, and to
571 planning commissions, if any, in member towns, cities or boroughs,
572 and to the Secretary of the Office of Policy and Management, or his
573 designee. The regional planning agency shall notify the Secretary of
574 the Office of Policy and Management of any inconsistency with the
575 state plan of conservation and development and the reasons therefor.

576 (c) The regional planning agency shall revise the plan of
577 conservation and development not more than three years after July 1,
578 2005.

579 (d) The regional planning agency shall assist municipalities within
 580 its region and state agencies and may assist other public and private
 581 agencies in developing and carrying out any regional plan or plans of
 582 such regional planning agency. The regional planning agency may
 583 provide administrative, management, technical or planning assistance
 584 to municipalities within its region and other public agencies under
 585 such terms as it may determine, provided, prior to entering into an
 586 agreement for assistance to any municipality or other public agency,
 587 the regional planning agency shall have adopted a policy governing
 588 such assistance. The regional planning agency may be compensated by
 589 the municipality or other public agency with which an agreement for
 590 assistance has been made for all or part of the cost of such assistance.

591 Sec. 6. (NEW) (*Effective October 1, 2009*) On or before July 1, 2010, the
 592 Office of Policy and Management shall develop model zoning
 593 regulations to be used by zoning commissions that incorporate the
 594 principles of smart growth, as defined in section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	16a-27
Sec. 3	<i>October 1, 2009</i>	8-23
Sec. 4	<i>July 1, 2010</i>	8-23
Sec. 5	<i>October 1, 2009</i>	8-35a
Sec. 6	<i>October 1, 2009</i>	New section

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Policy & Mgmt., Off.	GF - Cost	Significant	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
All Municipalities	STATE MANDATE - See Below	See Below	See Below

Explanation

The bill requires the Office of Policy and Management (OPM) to develop model zoning regulations that incorporate principles of smart growth to be used by zoning commissions by July 1, 2010. Currently, OPM does not have expertise in this area and would need to hire consultants to perform these duties, which will result in a significant cost in FY 10. There are no funds available for this purpose in sHB 6365, the budget bill as favorably reported by the Appropriations Committee.

Additionally, the bill requires smart growth principles be incorporated into the state, regional and local plans of conservation and development. It is anticipated that OPM can incorporate such principles into the state's plan within the agency's normal budgetary resources. Requiring municipalities to incorporate these principles into their plans of conservation and development is a mandate which may result in minimal costs to municipalities.

The Out Years

The annualized ongoing fiscal impact identified above for

municipalities would continue into the future subject to inflation. There is no out year cost to the state.

OLR Bill Analysis**sHB 6467*****AN ACT CONCERNING SMART GROWTH AND PLANS OF CONSERVATION AND DEVELOPMENT.*****SUMMARY:**

This bill specifies smart growth principles that must be incorporated in state, regional, and local plans of conservation and development (plans of C&D). Those incorporated in the regional and municipal plans must be consistent with those incorporated in the state plan. The bill also requires the Office of Policy and Management (OPM) to develop model zoning regulations incorporating these principles.

EFFECTIVE DATE: October 1, 2009

SMART GROWTH PRINCIPLES

The bill requires state, regional, and municipal planning bodies to develop smart growth principles based on its definition of “smart growth.” It defines that term as an economic, social, and environmental development that:

1. simultaneously promotes economic competitiveness and preserves natural resources and
2. allows state, regional, and municipal officials to collaboratively plan, make decisions, and evaluate policies.

The development must use financial or other incentives to promote competitiveness and resource preservation.

The principles must be in the form of standards and objectives that can help policy makers act and decide in ways that support and encourage smart growth. The standards and criteria may include:

1. integrating planning in a way that coordinates state and local tax, transportation, housing, and environmental policies;
2. reducing the extent to which municipalities depend on the property tax and compete against each other for new growth by delivering services regionally;
3. redeveloping existing infrastructure and resources, including brownfields and historic places;
4. providing rail, bikeways, walking, and other transportation alternatives to automobile travel while reducing energy consumption;
5. developing or preserving housing for workers or households with different incomes near transportation nodes, job sites, or other eligible locations (which the bill does not define);
6. concentrating mixed use development around transportation nodes and civic and cultural centers; and
7. conserving and protecting natural resources by preserving open space, farmland, and historic property and furthering energy efficiency.

PLANS OF C&D

State Plan of C&D

The bill requires state, regional, and municipal plans of C&D to incorporate smart growth principles. OPM must incorporate principles consistent with the bill's definition of smart growth any time it revises the five-year State Plan of C&D after October 1, 2009. The next scheduled revision is for 2011.

The plan's policies and guidelines encourage state agencies to develop or fund infrastructure in densely populated areas where the roads, sewers, and other supporting infrastructure already exist.

Regional Plans of C&D

The bill requires regional planning organizations (RPOs) to incorporate smart growth principles in their 10-year regional plans of C&D that are consistent with those in the State Plan of C&D. By law, RPOs must submit these plans to OPM, which must determine if they are not inconsistent with the State Plan of C&D and the State Strategic Economic Development Plan. Before adopting a plan, an RPO must note any inconsistencies between it and the state plan (CGS § 35a (b)).

Municipal Plans of C&D

The bill similarly requires the 10-year municipal plan of C&D to incorporate smart growth principles that are consistent with those in the State Plan of C&D. By law, municipalities must consider the state plan when revising their plans (CGS § 23 (c)).

BACKGROUND***Related Bill***

The Planning and Development Committee favorably reported three bills concerning smart growth principles or the State Plan of C&D. sHB 6464 allows state agencies to fund projects under specified programs only if they are consistent with its smart growth principles. sHB 6465 requires the Transportation Strategy Board to include a capital plan for transportation investments that incorporates those principles. sHB 6467 pushes back the deadline, from March 1, 2009 to March 1, 2011, for the next revision of the state C&D plan.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/20/2009)